

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

-
WRIT PETITION No.27153 OF 2007

Date: 20.12.2007

Between:

Shaik Imam and others

...Petitioners

AND

Forest Range Officer, Narsampet, Warangal
and others

...Respondents

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THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27153 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in interfering with the possession and enjoyment of agricultural land admeasuring Ac.214.09 guntas situated in Survey No.624 (old No.904/1) of Budharaopeta, Khanpur Mandal, Warangal District as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India.

The petitioners averred in the affidavit filed in support of the writ petition that they are in possession of the above mentioned extent for a long time and carrying on agricultural operations on the said land. It is further averred that when the respondents sought to interfere with their possession, they filed Writ Petition No.8289 of 1989, in which, interim direction was granted to the effect that the respondents shall not dispossess the petitioners without following due process of law. The petitioners complain that having kept quiet for all these years, the respondents visited the land in occupation of the petitioners on 10.11.2007, 02.12.2007 and 05.12.2007 and demanded them to vacate the lands. The grievance of the petitioners is that though they do not have pattas, in view of their longstanding possession, they cannot be summarily evicted without following due process of law.

The petitioners do not claim that they have legal right to be in occupation of the land, but their grievance that they cannot be evicted without due process of law deserves to be accepted, because even in the case of unauthorized occupants, the State cannot evict them

without following due process of law.

Therefore, this writ petition is disposed of with the direction to the respondents not to evict the petitioners without following due process of law.

C.V.NAGARJUNA REDDY, J

20th DECEMBER, 2007

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